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3	MIRANDA KANE (CABN 150630) Chief, Criminal Division	
4 5 6 7 8	KYLE F. WALDINGER (ILBN 6238304) Assistant United States Attorney 450 Golden Gate Avenue, 11 th Floor San Francisco, California 94102 Telephone: (415) 436-6830 Facsimile: (415) 436-7234 E-mail: kyle.waldinger@usdoj.gov Attorneys for Plaintiff	
9	UNITED STATES DISTRICT COURT	
10	NORTHERN DISTRICT OF CALIFORNIA	
11	SAN FRANCISCO DIVISION	
12		
13	UNITED STATES OF AMERICA,	No. CR 11-00014 SI
14	Plaintiff,) PROPOSED ORDER OF DETENTION PENDING TRIAL
15	v.)	
16	ROBERT SCHENK,	
17	Defendant.	
18		
19	The United States moved for the pretrial detention of the defendant Robert Schenk at the	
20	defendant's initial appearance in this District on March 4, 2011. The matter came before the	
21	Court on March 9, 2011, for a hearing on the United States' motion. The defendant Robert	
22	Schenk was present and represented by Assistant Federal Public Defender Loren Stewart.	
23	Assistant United States Attorney Kyle Waldinger appeared for the United States. Pretrial	
24	Services submitted reports previously prepared in the Central District of California to the Court	
25	and to the parties, and a representative of Pretrial Services was present at the hearing.	
26	At the hearing, the government continued to seek detention; the defendant opposed that	
27	motion, and sought pretrial release on conditions. Proffers and arguments regarding detention	
28	and release were submitted by the parties at the hearing.	
	[PROPOSED] DETENTION ORDER CR 11-00014 SI	

Upon consideration of the facts, proffers, and arguments presented, the Court finds by a preponderance of the evidence that no condition or combination of conditions of release at this time will reasonably assure the appearance of the defendant as required. Accordingly, the Court concludes that the defendant must be detained pending trial in this matter.

This Order supplements the Court's findings at the detention hearing and serves as written findings of fact and statement of reasons as required by 18 U.S.C. § 3142(i)(1).

The Court finds that the defendant has, and has had, no income, and that the home in which he has been living in the Los Angeles area has been foreclosed upon by the mortgage holder. Coupled with these facts are the allegations in this case of substantial international travel by the defendant in the past, along with the defendant's significant personal and business ties to India and personal ties to Germany.

In reaching its finding, the Court also relies upon the fact that, on the heels of being interviewed in November 2010 by FBI agents regarding his activities, the defendant told two of the alleged victims in this case that he was going to go to India. Along with this, the Court notes that there are questions as to whether the defendant misled Pretrial Services in the Central District of California regarding his upcoming international travel plans when he was arrested there in early January 2011.

Finally, given the allegations of the Indictment and based on the proffer made by the government, the Court has concerns about the defendant taking advantage of the financial resources of other individuals, which concerns in turn relate to whether an appropriate secured bond may be fashioned in this case.

Accordingly, based on all of the facts set forth above, the Court finds by a preponderance of the evidence that no condition or combination of conditions of release will reasonably assure the appearance of the defendant as required.

Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

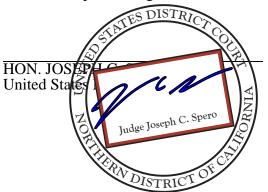
(1) the defendant be, and hereby is, committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

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(2) the defendant be afforded reasonable opportunity for private consultation with his counsel; and

(3) on order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

Dated: March 11, 2011



[PROPOSED] DETENTION ORDER CR 11-00014 SI